Nr. David Marwell Assassination Records Review Board 600 E St., NW second floor Washington, DC 20530

## Dear Hr. Marwell,

When your letter of the tenth reached me it was not possible for me to reply. It will not be possible to make much response today because we'll have visitors soon. I will respond to the degree I am able to when I have the time. And am up to it. I remine you of what your letter does not reflect your call from what I wrote earlier, last year, in fact, to which this is your first- and worfully incomplete-response. I'll get to that. Hopef fully I'll be 82 in less than a month. I am of limited mobility, cannot use stairs, may not stand still, as incearching files and vefiling, mut keep my legs elevated when not walking, cannot use a computer, and as you can see, this old typewriter is in some ways defective and makes my unavoidably bad typing worse.

If it is not in my letters I did tell Jeremy <sup>G</sup>unn when he was here where the files of my DJ appeals are and <sup>1</sup> indicated the magnitude of them and the reason for that. They take up three full file drawers. So it should be apparent that it is not within pessibility with your 4., which asks for "a list of those appeals." Which are in our basement. But Jim Lesar should have just about all of them.

I read you clearly when you conclude, "It is always helpful when such requests are precise, documented and clear." I also read you unclearly when you say in your 5.,

"I...also understand you to be suggesting that the Archives furnished you with some documents relating to the assassination that had not been turned over to the archives."

I am sympathetic to the problems you have from how so much nonsense and worse dumped on you by those who lack knowledge of the fact and believe what they imagine or want to be real is real when it is not. But it is up to you(plural) to discriminate. That does take knowledge I doubt any of you begins with. So, it is a real problem.

You may not have thought of it but there is nothing you can do that can mean much to me on a personal basis at my age and in the state of my health. I am trying to help you meet the obligations you (always unless clearly otherwise in the plural) undertcok. If I wound up with grounds for a suit, how could I now undertake to sue?

Hany if not most of those who had made appeals to you believe that there will be a smoking gun in what the agencies have withheld. That is not possible. The crime itself was never investigated officially, was never intended to be, and the records thus cannot hold any solutions or leads to be followed by private personal.

What I believe is now most important for the record for our history is making clear what the agencies did and did not do in that time of great crisis and ever since then. Both, wothout any question at all, resulted in our history being corrupted and the people being deceived and mislerd thereby. From my not inconsistrable experience this is one the greatest uses of popular disenfiantment with government. If any of you, particularly the professional historians, doubt this, I welcome them with their tape recorders and their questions.

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If the Board and its staff do not come to underdtand this it handicaps itself so that it will not be possible for it, with the best of intentions, to meet its mandate and it will add to the great popular disenchantment.

without taking if where it wants to go. With the waste of enormous time.

I think you compound this problem for yourselves in your 6. I asked of the board only that it do what you say it is to do, to get the records disclosed. I have not read the <sup>P</sup>rivacy Act since enactment but I doubt the requirement that each intending to invoke it invoke it personally or through counsel. But once that records are at the Archives- and not until then - I cannet invoke the Privacy Act, with the <u>Archives</u>. Not with the board.

If what I told the board is not an adquate for its asking the agencies for those records it has not so informed me. Or are you taking the position that to begin with you must have the proof that could lead to an indicment to ask a question and for pecords to exist?

For example, your 3. Can you not ask the CIA if Praeger had any connection with it? The Church committee exposed this. It was in the papers. Do you think the CIA would dare lie about this?

You make no reference to what I wrote the board about E. Howard Hunt and his New Fork address gbing that of Littauer & Wilkinosn when that literary agency first liked my first book an the N killed Z deal <sup>1</sup> took it for that book. Jim Lesar should be able to save you the time of sending someone to the Library of Congress to check old copies of Who's Who. Until I think 1969 Hunt listed that as his business address. (Wilkinson was also his agent.) That there was a CIA foundation The Littauer Foundation is also public. DavidWise's The Espionage Eastablishment, as I recall, included it in quite a list of them. The CIA knows that. Do you think it would lie if you asked it? About that?

And when the crime itself was never officially investigated and was never intended to be - as is without any question at all -is not what the agenci $\mathcal{L}$ s did to those who wrote other than in support of the official mythology a most important part of the overall?

overall? As I told you, it is not president possible for me to make searches for you. Or for myself in mywriting. Are you afraid to ask the agencies like the CIA and the DBI? To ask them to respond under oath? To ask that unless impossible all ffirmations be of personal knowledge? (They lie their heads off and the courts, faced with overwhelming # proofs, accepted that.) Why in the country of The First Amendment should it be any interest of any agency what anywriter choses to write? Or to interfwere with that writing in any way?

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If you behin manifesting fear of them you'll end that way and largely in failure. If you do not ask them hard questions to being with how do you think, with their experience, they will interpret that? And then act?

Have you asked the CIA for a list of all its filing systems, of whatever nature, and who has first-person knowledge of them? Have you asked this of the FBI? Have you asked the FBI who can make first-person attestation to what is in its Central Files? Or where else it has records other than in its central files, at headquarters and in the field offices? / told Jeremy GUNN where out how May have Arme information

If you have gone this far into your mandate without learning this basic information how  $\langle an \rangle$  you expect to meet your mandate?

While I am still able to  $\pm$  am quite willing, if any agencies denje what I wrote the board, with their denials under oath, to respond myself under oath, making myself subject to the penalties of perjury. I did that for a decade without a peep. Other than for the DJ to explain away- and before that judge it did - unquestionable perjury by telling mim I could made such charges ad infinitim since I knew more about the JEK and its investigations than anyone working for the FBI.

If I were younger and not so limited in what  $I \setminus a$  do I'd be willing to do your work for you but now I cannot. And I suggest you should not beant me to. I made statements to you. I am willing to attest to what I sent the baord. So with all the months since then, whey should I not ask you what you have done about it?

F or example, and if you have learned adjusting about how the CIA works in FOIPA cases in these months, you should know this: the CIA keeps a copy of all it discloses. I told you when and how it disclosed that its office of security had two files on me it did not give its g eneral counsel when he sought to respond to my requests. All you need do to learn that is ask for a duplicate of what it then disclosed to me. ((You'll **isk** find in it that I gave Jimmy Roosevelet for his father what FDR used in a firesaid chat about a planned <sup>H</sup>azi putsch in Santiago, Chile.)

If I recall correctly I told the board that the FBI disclosed records stating that I had a personal relationship with a Soviet national inside the embassy when I was a maatomy time, gazine correspondent, which is utterly false, and in that disclosed the basic records that record paraphrased. Does the board need more than that? If so then I wounder how the board regards the responsibilities it assumed. Or how it expects the be regarded in history?

'ou have, from me, an FBI record reflecting that it prepared "dossiers" on the Hembery of the Warren "ommission, on its staff two times and that it profared "sex dossiers" on the ritics. Hyae yoy made any effort to get those secords? (I am not suggesting violating anyones privacy.) Have you any doubt about the only uses that can be made of such "dossiers"?

I could go on and on with such thengs. And that the FBI spent tax money to prepare four rudite New Youk Lever Lawyers to ruin me and my first book, as its own <u>disclosed</u> records state.(That I am grateful to the FBI for this is another matter, but I assure you I am because of how that worked out!)

When federal agencies do such thing as this and more of which I've informed the board, can their be any real doubt that one of the most important areas for the board in its work is what the agencies did and did not do after the assassination?

If the bound is to make a report - hope it does not forget that we have and some of us still cherish The First Amendment!

With further regard to your 1. before I must suspend, that record was an internal  $\alpha$  memo that had no file number of it. It does not, as I think I indicated, represent the <u>existence</u> of a file, your question. It reports the <u>existence</u> of we files on me in OS.

Mark Lynch, then with the ACLU, asked me for a copy of it when the Congress was considering amendments to FCIA. I may have given Jim Lesar a copy. But my file is in the basement to which 1 no longer have/alcess. I'll try to think of where I may have a duplicate. If I have one in my office files I'll include it.

With regard to your 2., it is my recol ection that I told you that the printout gotten for me shows only as I recall six CIA records relating to me and they were not supplied to the Archives by the CIA. That printout discloses not a single disclosed record on me disclosed by the CIA. How it frustrated FOIA assassination compliance I do hope the board considers with its mandate!

But to leave this without question, the printout discloses that the CIA itslef has not given the Archives a single record, relating to me and none of the correspondence relating to the assassination and to the disclosure of relevant records. Not one page!

Resumed two days later. Do you really expect the agencies to be helpful to you, to really cooperate genuinely, to expose themselves?

I refer above to FBI defamations of me. Its own already disclosed records reflect it did that to prevent disclosures of assassination information. It even routed copies to Civil Division layers handling my FOIA cases. Which, by the way, is also an effective means of intimidation. And it worked that way. How Many in government are willing to incur FBI wrath? Or expect to survive it?

Both the FBI and the CLA made their records relating to critics and their work part of the overall history of the assassinations. That the CLA used its "assets" to the end of interfering with our assassination work is already public in some of its disclosed records.As I recall I gave the board a lead on Sir John Sparrow being used that way. In all these months you have done nothing to learn anything about this and related matters? Clearly you haven't about Praeger. Or about Littaner and Wilt in Son and Hunt.

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<sup>1</sup> believe <sup>1</sup> told the board that the FBI has at least one tape of an Oswald Mexico Vi ty phone intercept and transcripts of it. It hap ens that <sup>1</sup> had some records relating to this in my office. I attach Dallas FBI records from its main assassination file, <sup>39</sup>-<sup>40</sup> 43, erials 105 and 104. Of the latter, two different versions. First as entirely withheld despite no original classification and then as unredacted. These withholdings relating to the CIA's intercepts ere <u>after</u> those intercepts had been disclosed by the CIA. The unredacted version disloses that the CIA has transcripts it has nor disclosed. Other disclosed records establish that Rudd had a trape with him, at least one. So it is not true, as the CIA had contended, that it automatically destroyed all those tapes.

With further regard to your 2., I believe that all the agencies, not only the CIA, should be required to disclose more than their correspondence with me relating to the assassination. They should be required t disclose all their related internal records relating to this correspondence, which includes appeals, and all their records relating to any assassination FOIA requests and litigation, including all internal records thereof.

As 1 indicated earlier, not a single page of that correspondence was sent to the Archives by the CIA, not a single page relating to FOWA litigation, from the **setteent** Archives printout. Your ask that I "let" you "know exactly what part... had and has not already been sent to the Archives."

The second paragraph of your 6. states that what I write the board will be part of the available records at the Archives. My understanding of the "rivact Act is that it provides for more, and it is that provision I intend to invoke with the Archives when the records of those defamations are all available.

Four 7 asks for identification of records the agencies have destroyed. That question should long before this have been addressed to the agencies, all of them. Years ago the army admitted to me that it had destroyed as I recall its three JFK assassination files. Whether or not those included the records of the since disbanded 112th intelligence unit based in Texas I now do not recall. That unit, which was engaged in domgetic intelligence, launched the campaign to identify besuld as a Communist when he was in fact strongly anti-Communist. And labelling him a Communist is what enabled the FBI to make its entirely unacceptable report ordered by the new President acceptable. If then used that report to intimidate the Commission,  $\alpha$  s its January 21,1964 executive session transcript that I got by FOIA and published in Post Mortem makes without question.

In CA 75-226 the FBI disclosed to me-well, not "dislosed" -alleged by hearsay - that it destroyed the spectrographic plate of the examination of the specimens of glass from the limo windshield. The claimed reason was to save space in the files! And of all the spectrographic examination, only that one! It also disclosed that that specimen also no longer exists. In that litigation, in our deposing of four FBI Lab agents, we learned that Hone had ordered a hanfi and fibers examination of the front of the President's shirt, the collar area. The agent who ordered it so tes if if ied. He testified also that he did that because he had the same questions about whether the damages to the shirt could have been caused by a bullet, as they had not been. No such record was disclosed to me.

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Kelated in that case the FBI also gave me a meanigless series of xeroxes of an addingmachine tape relating to the neutron activation analyses performed on assassination evidence. I believe it has more than gibberish after going to all that trouble. Also in that litigation the other respondent, then the Energy Research and "evelopment diministratory" accessor to the AEC, disclosed much more such information. But neither agency disclosed any meaning given to any of that work. Extracting the meaning was the purpose of raking those test. One r ason for these withholdings is that, as I published in Post Lortem, the type of the FBI nor Erda denied what I published after I published it.

And this get the to the real problem you face is the agencies know very well not only that Oswald did not kill the President but that their own evidence establishes that he could not. You have have what " presume is a somewhat for garbled version of what was not included in my case Open when it was published. I believe insertions were made where 1 did not intend them to be made. But I think it is nonetheless clear that the official evidence establishes what I say it does.

This alone, I believen should indicate to you that those agencies are not going to expose themselves, what they did and did not do, when the President was killed and thereafter. Of, they are not going to disclose what they have in any way relating to this.

I sugregest also that this gives even more importance to requiring full disclosure of all records relating in any way to critics and all records relating to what was done to and about critics.

The FBI disclosed no meanigful records relating to the spectrographic examination of the curbstone dug up in Dealey Plaza. Not what the plate showed, for example. All it disclosed to me relating to that - published in facsimile in Post Mortem, other than an annotation of one page of it by SA Robert Frazier in which he wrote what he did not testify to before the Warren Commission. He said tetwhat the FBI refers to s a "smear" when its own photographs fistablish there was a hole there, also established by a Dallas record I think I gave your people when they were here, could have been caused by an automobile wheelwright.

This also gets to one of the reasons I said that all records relating to all FOIA ditigation should be dislosed.

By source on the use of Aadio and TV Reports was a disenchanted employee. Those records relate to my appearances in Chicago in as I now ecall 1968. Not me only, by

way. These are among my records that have disappeared. The CIA had those trancripts made as I think <sup>1</sup> told the board in the name of the 'ublic Affairs Staff, with no indication that it was the CIA on the bills, checks in oayment, letterhead or envelopes. The CIA can respond with only this information but your request should include more, all critics, all cities in which RTWR operated and all such aggencies.

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as I now recall it the account from which those payments were made was in the diggs National Bank. MyAcs that I recall include Harold Ober. I think there was also a Jeanne Davis. There were other names. At the time of the Watergate scandals the CIA: let those people go and row the public press they were merchy switched to the MSA. Or , that function continued elsewhere.

I think you have more than enough to make a proper request of the CIA, perhaps also of the MSA. If there is any denial, I can get in touch with my source and ask if he will give you an affidavit. It might not be welcomed by his present employers for whom he is in a public role. I can attest to what I recall.

Then there is what the CIA did with what it got from such sources.

It did not go to that trouble and xpense for no purpose at all.

There is much in your letter that troubles me much. This is also true of what it reflects, that after so long a period of time, when you had an ample basis for asking questions, you have asked no questions. It troubles me, from my extensive experience with some of those agencies, that they will make a corect reading of your board, what it will and will not do, and how it can be rustrated. It troubles me that after so long a time you are only now undertaking to define the scope of your Work -without any real effort to learn what you should know and understand before you can define it. You may be going for through the motions but that is not the way to understand what you should be doing or to make publicly available what should be made publicly available.

It is deeply troubling to me that when you have for so many months had allegations of violationg of First Smendment rights in connection with the assassination and its investigation you have done not a thing about it. You needed no more than the allegation, for example, to tell the CIA you have such allegations and you want to see all it has relating to them and anything it has to say about those allegations. You knew at the same time that the CIA and its then director were in deliberate violation of FOIA and of PA relating to the assassination and its investigations and you did nothing, ask ed no questions about that. The fact does require response and as yet there is no response.

That alone should tell you much but you reflect no perception of any meaning in it and insected, after so long a delay, you ask me for more information, the very information you should have asked of the CIA.

If you are familiar with the thrust of my work you would know that it is a study of the failure of all our basic institutions in that time of great stress and tragedy and ever since then. The way your board is going I fear very much that it also will fail, more so if it defines its mission with more limitation that it should and if it were adequately informed, would define its mission.

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You may wonder at the toke of this letter. Among other things I could say I do day that you ask of me what you should know from my exist letters you have and your people who have been here could have told you is physically impossible for me. This makes me wonder how much attention you paid to what I wrote.

The Act was passed in 1992. President took too long in created it. But what is there to show for the existence of the board?

I suggest that you reread the letter you wrote me and ask yourself how I should take it and how other should, and in the future might if not would. After so long a time aft er I for worde the board. Not how you think you meant it but how others can feel entitled to interpret it.

You have already undermined yourselves with the agencies that have every reason in the world not to disclose what they have not disclosed. The way you began is laughable to them. And how little they are concerned about you and what you can or will do of try to do with or about them is reflected in the contemptuous disregard of the board by the CTA in Hidded violation of FOTA with respect to the assassinations in once again not responding in any way when the Act requires response within a stated perior of time.

If an not talking shout the board perforcing FOIA. Is an talking about the board's indifference to gross and deliberate violations of FOIA with regard to information that is withing the board's mandate, may wind up being the most significant information relating to the assassination and its investigation that may exist.

It may not have occured to any of you but under our political system, whatever may be the intent of an assassin or sassin, the reality is that it is a de facto coup d'etat. If this has to be explained thare political infants. Yet here you are dancing around and asking me questions you should long agio have asked the agencies.Without reflecting any perception of how they will interpret what you do and do not do, have not not done and reflect no intent to make any real beginning of it.

You have rafted what you propose to use as your guidlines, your parameters, without any visible effort to have learned this for yourselves. That you invited all the nuts, aprentice Keystone Kops and a sick sortment of others in terminal self-importance to address you is window-dressing. It is not a reflection of a serious intent to make a serious effort to meet your obligations. The best that can be said for what you have done is that it wasted most of that time and to the degree you heeded most of it misled yourselves. One of those for whom you gave a forum and the prestiges it Maeans to the other nuts is so undependable he could not even get the name of the member of the board who addressed them straight. It is from the memo he distributed that I got the wrong name and wrote the wrong member. From pople like him you can expect to learn anything at all? I regret he is not the exception.

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The withheld information is helf by agencies that have a long record of withholding yet as of now there is no indication of any effort by the board to understand that records, to be informed by it, to be prepared to meet its mission from knowledge and understanding.

Have you made any real effort to flearn what is or can be an assassination record other than some false and misleading FBI report on the work of its Lab?

But even if you limit yourself to what the official agencies have defined as an assassination record, do you know what any real effort to make publicly available what was to have been and instead is secret inevitably means? Have you yet leftarned enough about what you are supposed to be doing to be aware of the fact that it involves official felonies?

Take the prosectors' autopsy notes, for example. Have you yet learned that to the Commission Commander James J. Hunes swore that he destroyed not his notes but the first draft of his proctocol while he swore to those I have always veferred to as "the House assassins" he swere that it was his notes that he destroyed/ And that when they knew from my Post Nortem if not from the published Commission hearings that he had sworn that it was the frat, not the notes, he had destroyed. And when if from no other source that committee knew from my Post Nortem that I had and published a series of receptions for those very notes.

There is much more publicly available on this and there will be more in my coming NOVER AGAIN! but is this not enough to indicate the reality of those "investigations" and the **Efiner** records that should exist and could not be more important higher the storically?

Have you thought of what is inevitable if you take testimony from Humes in an effort to learn what happened to his notes that were not where they were supposed to be when I searched for them at the Archives?Or what is inevitable if you do not?

The last thing this nation needs is another cause of national disenchantment. This is especially true if you think back over the chages since that assassination/

I wish it did not seem appirent to me that you are making it inevitable.

And you, collectively, seem utterly oblivious of it. And how in our history you will be remember for it.

How I wish thes were not so!

I would like to be of as much help as I an be. But before anyone can he helped he must want to be helped. Before any one can make an inquiry he must understand for himself and define to and for himself what he is inquiring into and how to at least begin that inquiry, to have defined it clearly for himself. I do not see that this board has done that. Before promulgating what would be published in The Federal Register.

It would not have required much effort to learn who knew what he was talking about and who did not, who could inform the board and who could not. These I regard as huts and as even less dependable could have been invited to file written statements instead of being given such a forum for disinformation, in stead of much for my could not help doing.

Such a beginning was at the very best amateurish. It was not serious however it may be described.

It is not defficult to describe your letter to me, whatever you may have had in mindand I am not making an accusation - as a  $\frac{Letet}{veever}$  the ass letter.

Belated as it is at that.

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To me it reflects, again whatever the intent may be, built-in financial failure.

And that, to repeat ayself, is the last thing this country needs.

It is not what the nation has been led to expect from you.

I thought I'd finished when I Laid this aside in the hope that with a little time passing I might be more sensitive to the errors I cannot avoid in typping. Then I got your announcement of your Boston hearings.

Hy how you will benefit, how well your work will be outlined for you when you learn from the man with another book to promote ( if is due in August) that it all turns of what he has already aploited, the man who made himself an assassination alibi by robbing a bank! This in that particular mythology was the only way an alibi could be established. This genius can now tell you was what his coming book will be so helpful to you in your work, the answer to the question posed by his publisher in a twopage promotion of it is his catalogue,"'Could Lee Harvey Oswald have been programed' by our government to play his part in the murder."

If hearing from him does not help prepare you for you work so long in really getting started ten perhaps you will get that enrichment from the learned professor who could not even keep the mythologies straight h in his writing about what he imagines happened in New Orleans in the book that must have set a second for thoroughgoing condemnations in peer reviews.

And if this is not enough to get you going on your belated beginning certainly you will be helped by the coiner of the yankee and cowbody mythological solution to the crime of the century. This particular deep thinker and a few others organized what they referred to an an "assassination information bureau" in which they laced the campuses with more misinformation about the assassination and its investigations than any lecture bureau could have provided.

If by any chance you interpret your mission as learning more about Oswald as a per-Son rather than seeing to it that existing records are made available, you can certainly learn about him from the woman whose publisher could not see anything in the book it contracted with her for so many years, until the subject got hot again, and then, when this writer appeared on V TV with Oswald's widow, the widow publicly contradicted- denied the truth of what the writer said about Oswald.

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After all the months since your organization this reflects the knowledge and the understanding you have achieved so that you can meet your responsibilities to our history and to yourselves.

And once again, how do you think the agencies which have much to hide and for more than three decades have hidden it will understand your going to Boston to hold a hearing to hear what such people can tell you?

The professor whose quest was limited to the records the agencies already had in their public reading rooms, who made no real effort to bring any other information to light, can certainly enlighten you was with his "Testimony on identification and location of assassination records."

He is even more qualified in this from his publishing meanings to those records he saw that are the exact opposite of the meaings so clear in these records. One illustration is in his book supposedly on the King assassination. Indispensible to his scholarly fiction is that the CIA paid Ray off through two characters the name of one this scholar said had to be kept secret because that man lived in mortal terror if it were disclosed. As it was in the FBI's reading room as a result of my CA 75-1996 and as that scholar learned from me when  $\frac{1}{2}$  gave him copies of that and related refords. If this is not illustrative enough about how well he will inform yow, let me know. There are many similar illustrations.

When your mailing came i had written that from what I know of what you are doing and not doing,"It is not what the mation has been led to expect from you." I think perhaps I should also have said it is not what the Congress envisioned in creating the board, and in the empowerment of the board to meet its mandate.

Let do not take this time to offend you nor do I welcome this confirmation of what I had written. I regret it very much. I have taken this time in the hope of being helpful to you, again the plural intended, because I believe that what you are supposed to do is important to the nation, because I would like you to succeed in it, and because I will regret very much if our history records another failure added to the long list of official failures and worse in the wake of the great tragedy that turned the country and the world around.

cc: Jereny Gunn Jim Lesar

aroll ledy Sincerely,

narold Weisberg

UNITED STATES GOVERNMENT Memorandum BAC, DALLAS (89-43) /22/6 TO BA W. R. HEITMAN FROM SUBJECT: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY ANDERSON advised SA ELDON RUDD is proceeding to Dallas in the Naval Attache plane, a C-47, ID # 50752. It is due to arrive at Love Field at approximately 2 AM, 11/23/63. Heiter whether the first 2. 7 and the from We first 2. 7 and the from The form the form the form -----2.4 . . And the second second QT. 0. WRH:0 Heitman Heitman To smel place SEARCHED SERIALIZED

